



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

EPA Region 5 Records Ctr.



276565

MEMORANDUM

JUN 05 2007

REPLY TO THE ATTENTION OF

SUBJECT: **ENFORCEMENT ACTION MEMORANDUM** -Determination of Threat to Public Health or Welfare at the Pitney Court Site, Chicago, Illinois (Site ID # B5HP)

FROM: Thomas Cook, On-Scene Coordinator
Emergency Response Branch – Section # 2

TO: Richard C. Karl, Director
Superfund Division

THRU: Linda M. Nachowicz, Chief
Emergency Response Branch

ATTN: Michael Harris, Section Chief
Emergency Response Branch, Section # 2

I. PURPOSE

The purpose of this memorandum is to document the determination of an imminent and substantial threat to public health and the environment at the Pitney Court Site in Chicago, Illinois. The proposed removal action is necessary to mitigate the immediate threat to public health and the environment posed by the presence of uncontrolled hazardous wastes on site, including soils containing elevated levels of benzene, ethylbenzene, toluene, and xylenes (BTEX), polynuclear aromatic hydrocarbons (PAH), and lead.

The response action proposed herein will mitigate Site conditions by removal and off-site disposal of the contaminated soil. The high levels of PAH in surface and sub-surface soil at concentrations that exceed the Illinois Environmental Protection Agency (IEPA) Tiered Approach to Corrective Action Objectives (TACAO) are considered hazardous. Additional activities will include the implementation of an air monitoring plan, water management, and Site contingency plan. This removal is considered to be time-critical. The project will require an estimated 18 months to complete. It is anticipated that this removal will be completed by the PRP pursuant to an Administrative Order of Consent (AOC).

There are no nationally significant or precedent setting issues associated with the Pitney Court Site. The Pitney Court Site is not on the National Priorities List (NPL).

II. SITE CONDITIONS AND BACKGROUND

CERCLIS ID # ILN000510196

A. Physical Location and Description

The Pitney Court Site is located in Cook County, Illinois. The geographic coordinates of the Site are 41° 40' 40" north latitude and 86° 27' 39" west longitude. The Site 3052 Pitney Court, is approximately 4.8 acres, and is currently a vacant lot. The ground surface at the Site is mostly sandy gravel with areas of concrete in the location of former Site structures. The Site is bounded to the north by Archer Avenue and 31st Street, to the east by Pitney Court and Benson Street, to the south by the Aztec concrete materials production facility, and to the west by the South Fork of the South Branch of the Chicago River (the River).

In Illinois, the low-income percentage is 27% and the minority percentage is 32%. To meet the EJ concern criteria, the area within 1 mile of the Site must have a population that's twice the state low-income percentage and/or twice the state minority percentage. That is, the area must be at least 54% low-income and/or 64% minority. At this Site, the low-income percentage is 46% and the minority is 67% as determined by Arcview or Landview III EJ analysis (Attachment 2). Therefore, this Site does meet the Region's EJ criteria based on demographics as identified in "Region 5 Interim Guidelines for Identifying and Addressing a Potential EJ Case, June 1998".

B. Site Background

The Site was used as a production and storage facility for manufactured gas, known as the Pitney Court Station. Construction of the plant was completed in 1896 by the Universal Gas Company, and gas manufacturing operations began the following year. Peoples Gas owned the Site from 1914 to 1952, when it was sold. Production operations ceased at the Site in 1921, and the facility was dismantled in 1938. Sometime after 1952, Paschens Contractors and Bonded Municipal Corporation owned and operated the Site, and Peoples Gas re-purchased the Site in July 2005.

Conditions on the Site have been investigated by a number of parties since 1990. These investigations have reported subsurface impacts, including coal tar, staining, sheens, and odor, at various locations across the Site, in some cases below groundwater levels. An investigation performed in 1990 noted stained soils in conjunction with UST removal activities, and an investigation performed in 1995 concluded that the Site was impacted by past operations on the basis of detections of benzene and PAHs in soil and groundwater. Surface soil staining and a sheen on ponded surface water were noted in 1998, and tar was observed at depths of up to 20 feet below the water levels in the ground and the adjacent river in 2000. Additional site investigations conducted for Peoples Gas from 2002 through 2006 also found tar at varying depths. Site remediation activities under

the Illinois Site Remediation Program began in 2005. These activities generally involve excavation and off-site disposal of MGP-impacted materials. Remediation of the Site by excavation and off-site disposal of impacted materials that was being conducted under the Illinois Site Remediation Program will continue under an administrative order on consent that will implement this action memorandum.

C. Site Sampling

Various investigations were conducted at the Site by several environmental consultants in the 1990's and by Levine Fricke (LFR) in 2000. Burns & McDonnell Engineering Company (Burns & McDonnell) conducted Site investigation (SI) activities in 2002, 2005 and 2006. Field activities included collecting and analyzing soil and groundwater samples. The results of the LFR and Burns & McDonnell SIs documented that extensive soil contamination is present within the surface and subsurface. In June, July, August, and October 2005, Burns & McDonnell conducted additional SI activities on the Site and east of the Site, including advancement of additional soil probes and soil borings, excavation of an additional test pit and collection of soil samples for chemical analysis and/or physical testing.

III. THREATS TO PUBLIC HEALTH, WELFARE, OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

The conditions at the Pitney Court Site present an imminent and substantial threat to the public health, or welfare, and the environment, and meet the criteria for a removal action provided for in the National Contingency Plan (NCP), Section 300.415, Paragraph (b)(2). 40 C.F.R. § 300.415(b)(2)(i), (iii), and (vi), respectively, specifically allows removal actions for:

Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substance or pollutants or contaminants.

The samples results were above the TACAO Tier 1 for BETX, PAHs and total lead. Due to the levels of contaminant found onsite and the proximity of the Site to nearby commercial and industrial properties, and the planned future use of the Site, there is potential exposure, to soil ingestion routes for residential/commercial and construction worker receptors. The regulatory limit for lead in residential/commercial worker setting is 400 milligrams per kilogram (mg/kg). The levels detected in the samples that were analyzed by an accredited laboratory ranged from 728 mg/kg to 4,900 mg/kg

High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface that may migrate.

During SI field activities, soil impacts were observed to varying degrees in samples obtained from the Site. Compounds that exceeded Total Compound List (TCL)

SVOC screening levels were PAHs. The benzo(a)pyrene screening level of 0.8 mg/kg was exceeded with concentrations ranging from 0.9 mg/kg to 89 mg/kg. The dibenzo(a,h)anthracene screening level of 0.8 mg/kg was exceeded with concentrations ranging from 0.9 mg/kg to 89 mg/kg. The benzo(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene and indeno(1,2,3-cd)pyrene screening levels were exceeded as well. As used herein, source material is soil which contains chemical constituents at levels that exceed criteria set forth in TACAO or which contain tar, tarry residues or related sheen, identified by visual inspection and/or laboratory analyses. As such, source material was identified in five areas at the Site. The five source material areas identified include:

- The tar well/separator structures in an area near the center of the Site;
- The area around the former north relief gas holder in the northern area of the Site;
- The area within the former scrubbers and condenser house along the east boundary area of the Site;
- The area within the former scrubber house and former engine house in the north central area of the Site; and
- The area around and within the former 3 million cubic foot gas holder.

Actual or potential contamination of drinking water supplies or sensitive ecosystems.

Major surface water bodies in the immediate vicinity of the Site include the Chicago River immediately to the north of the Property. Groundwater has been detected at the Site at depths from 4 to 9 feet below ground surface ("bgs"). VOCs, SVOCs (including PAHs), metals, and cyanide have been detected in groundwater samples collected during investigations conducted at various times from 1995 through 2002. Visible evidence of MGP impacts (including coal tar, sheen, and/or staining) was observed at depths below the groundwater level in several soil borings and test pits during site investigations. Metals (arsenic and lead), benzene, ethylbenzene, toluene, and a number of PAHs were detected at concentrations exceeding Illinois Tier 1 screening levels in soil samples collected at the Site. Sediment samples were collected in the South Fork near the Site for the U.S. Army Corps of Engineers ("USACE") Chicago District in 2004. These samples contained PAHs, other SVOCs, VOCs, PCBs, oil and grease, and metals.

Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released.

Shallow soil samples indicate high levels of lead at surface level, which could migrate off the property. Migration could occur as a result of wind action during dry

periods, which could pose a breathing hazard. Such wind action could also lead to deposition of materials in uncontaminated areas. Migration of contamination could also occur through surface water flow or groundwater flow during wet periods, due to the high levels of leachable lead found in the samples.

IV. ENDANGERMENT DETERMINATION

Given the Site conditions, the nature of the suspected hazardous substances on Site, and the potential exposure pathways described in Sections II and III above, actual or threatened releases of hazardous substances from this Site, if not addressed by implementing the response actions selected in this Action Memorandum, present an imminent and substantial endangerment to public health, or welfare, or the environment.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

The OSC proposes to undertake the following actions to mitigate threats posed by the presence of hazardous substances at the Pitney Court Site:

- 1) Implement the existing Site Health and Safety plan used under the Illinois Site Remediation Program, including an air monitoring plan and Site contingency plan;
- 2) Develop and implement a Site security plan;
- 3) Characterize, remove, and properly dispose of hazardous substances and wastes and all soil pursuant to the plans under the Illinois Site Remediation Program;
- 4) Backfill excavated areas with clean material.

The OSC has planned for the provision of post-removal Site control consistent with the provisions of Section 300.415(l) of the NCP. It is anticipated that any post-removal Site control will be undertaken by PRPs.

The activities described in this memorandum will require an estimated 18 months to complete. It is anticipated that this removal will be completed by the PRP pursuant an AOC.

The response actions described in this memorandum directly address the actual or threatened release at the Site of a hazardous substance, or of a pollutant, or of a contaminant which may pose an imminent and substantial endangerment to public health or welfare or to the environment. These response actions do not impose a burden on affected property disproportionate to the extent to which that property contributes to the conditions being addressed.

All hazardous substances, pollutants or contaminants removed off Site pursuant to this removal action for treatment, storage, and disposal will be treated, stored, or disposed of at a facility in compliance, as determined by U.S. EPA, with the U.S. EPA Off-Site Rule, 40 CFR § 300.440.

Applicable or Relevant and Appropriate Requirements

All Federal and State applicable, relevant, and appropriate requirements (ARARs) will be complied with to the extent practicable.

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Continued risk to public health and the environment will result if no action or delayed action ensues.

VII. OUTSTANDING POLICY ISSUES

None.

VIII. ENFORCEMENT

For administrative purposes, information concerning the enforcement strategy for this Site is contained in the Enforcement Confidential Addendum (Attachment 3).

IX. RECOMMENDATION

This decision document represents the selected removal action for the Pitney Court Site developed in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as amended, and is not inconsistent with the NCP. This decision was based upon information now presented in the Administrative Record for the Site. Conditions at the Site meet the NCP Section 300.415(b)(2) criteria for a removal and I recommend your approval of the removal action.

APPROVE: Richard Kal DATE: 6-5-07
Director, Superfund Division

DISAPPROVE: _____ DATE: _____

Director, Superfund Division

Attachments

1. Administrative Record Index
2. EJ Analysis
3. Enforcement Addendum

cc: D. Chung, U.S. EPA, 5202-G
M. Chezik, U.S. Department of the Interior, **w/o Enf. Addendum**
B. Everetts, Illinois EPA, **w/o Enf. Addendum**
S. Davis, Illinois DNR, **w/o Enf. Addendum**



ATTACHMENT 1

U.S. ENVIRONMENTAL PROTECTION AGENCY
REMOVAL ACTION

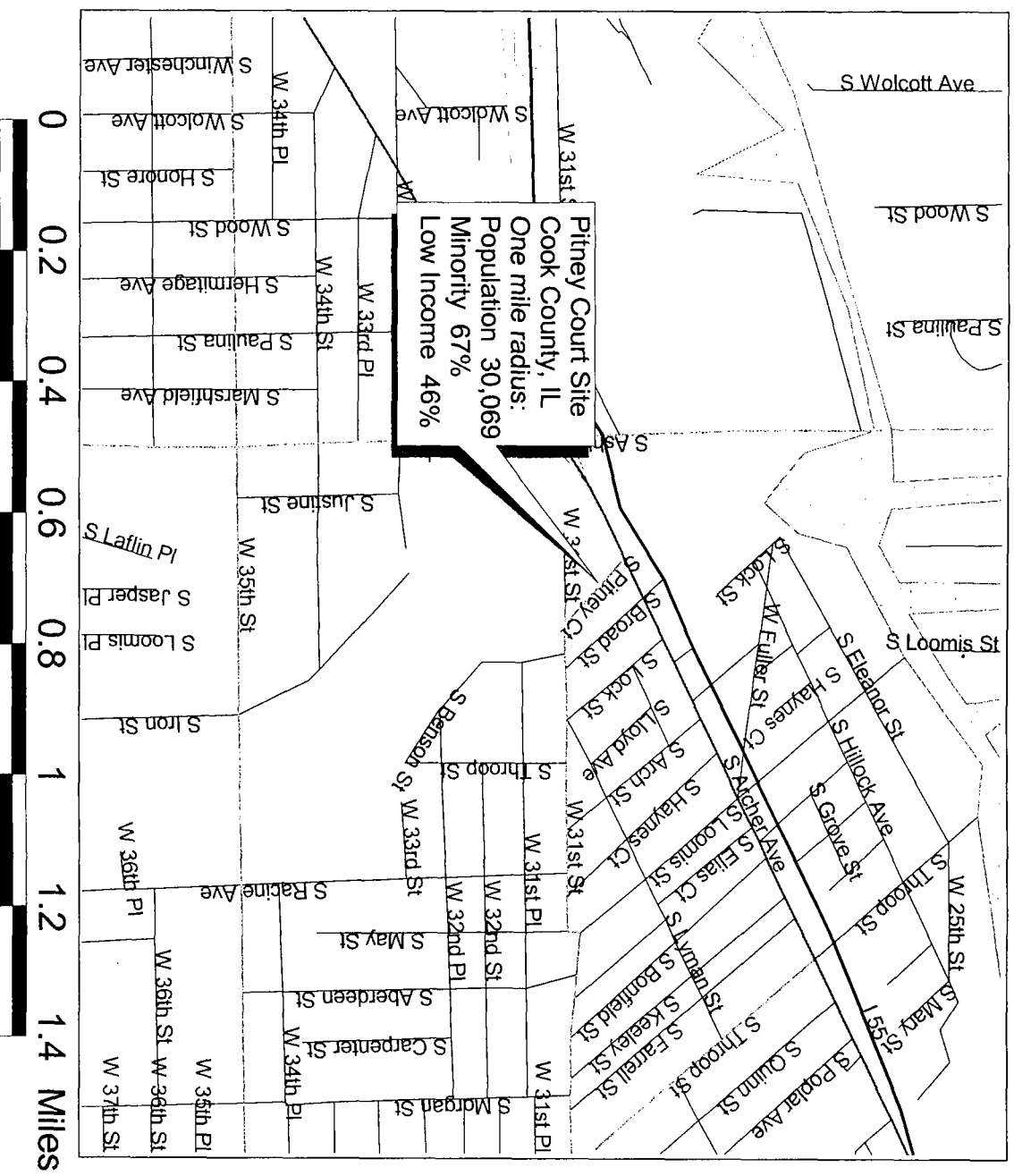
ADMINISTRATIVE RECORD
FOR
PITNEY COURT SITE
CHICAGO, COOK COUNTY, ILLINOIS

ORIGINAL
MAY 1, 2007

<u>NO.</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
1	00/00/00	Cook, T., U.S. EPA	Karl, R., U.S. EPA	Action Memorandum: Determination of Threat to Public Health or Wel- fare at the Pitney Court Site (PENDING)	

Region 5 Superfund EJ Analysis

Pitney Court Site Chicago, IL



ENFORCEMENT ADDENDUM

**PEOPLES GAS SITE
(INCLUDES PITNEY COURT SITE)
CHICAGO, ILLINOIS**

(REDACTED 1 PAGE)

**ENFORCEMENT CONFIDENTIAL
NOT SUBJECT TO DISCOVERY
FOIA EXEMPT**